

**CIVIL MINUTE ENTRY**

<b>BEFORE:</b>	Chief Magistrate Judge Steven M. Gold
<b>DATE:</b>	August 14, 2014
<b>TIME:</b>	2:00 P.M.
<b>DOCKET NUMBER(S) &amp; NAME(S) OF CASE(S):</b>	CV-13-2337 (ARR) Alkhatib -v- NY Motor Group, LLC, et al. CV-13-5643 (ARR) Tuhin -v- New York Motor Group, LLC, et al. CV-13-7290 (ARR) Gabrys -v- New York Motor Group, LLC, et al. CV-13-7291 (ARR) Freire -v- New York Motor Group, LLC, et al. CV-14-2980 (NGG) Zhenghui Dong -v- New York Motor Group et al CV-14-2981 (ILG) Chowdhury -v- New York Motor Group, LLC et al.
<b>FOR PLAINTIFF(S):</b>	See below
<b>FOR DEFENDANT(S):</b>	See below
<b>NEXT CONFERENCE(S):</b>	NOVEMBER 25, 2014 AT 3:00 P.M., IN-PERSON (See Rulings Below)
<p>Lane for all plaintiffs other than Tuhin in 13-2337 (Alkhatib), 13-7290 (Gabrys), 13-7291 (Freire), 14-2980 (Dong), and 14-2981 (Chowdhury);</p> <p>Keshavarz, Coffey for plaintiff Tuhin in 13-5643 (Tuhin);</p> <p>Minsky for NY Motor, Planet Motor, and individual defendants in all cases other than 13-5643 (Tuhin);</p> <p>Brenner for Santander in 14-2980 (Dong) and 13-7291 (Freire);</p> <p>Grossman for M&amp;T Bank in 13-5643 (Tuhin), 13-7290 (Gabrys), and 14-2981 (Chowdhury);</p> <p>Weinstein for NY Motor and individual defendants in 13-5643 (Tuhin)</p> <p>Gould for Capital One in 13-2337 (Alkhatib).</p> <p>(1) Capital One reports that they have reached settlement in principle with plaintiffs on the main claims. These parties will file a stipulation discontinuing the settled claims or reporting on the status of their settlement negotiations by September 5, 2014.</p> <p>(2) Mr. Weinstein's motion to be relieved from representing NY Motor and the individual defendants Eltouby and Jane Doe identified as "Nada" in 13-5643 (Tuhin) is granted. These defendants failed to appear as directed in my Order of August 7, 2014, in which I alerted them that failure to attend would be construed as consent to the motion of their attorneys seeking to be relieved. By 9/4/14, Mr. Minsky, who represents these defendants in the other related cases, shall state whether he will represent them in 13-5643 (Tuhin). If Mr. Minsky does not take over representation of these defendants in 13-5643 (Tuhin), these defendants will have until 9/18/14 to either appear through new counsel or state that they wish to represent themselves (although the Court notes that NY Motor may not appear pro se). If these defendants fail to do so by 9/18/14, plaintiffs may move for entry of default. Mr. Weinstein will order this portion of the transcript (FTR 2:17- 2:25) and serve a copy of the transcript excerpt and this order to his former clients and file proof of service with the Court. Mr. Weinstein is also ordered to cooperate with new counsel regardless of any issues concerning fees so as not to impede the progress of this case.</p>	

(3) Plaintiffs will file their anticipated motion for leave to amend by 8/22/14. Defendants' opposition and any cross-motion to dismiss will be filed by 9/19/14. Plaintiffs will serve their reply and their opposition to any cross-motion by 10/8/14. Defendants will file their final reply by 10/24/14. These deadlines are firm. Mr. Minsky has agreed to accept service on behalf of NY Motor and the individual defendants Eltouby and Jane Doe identified as "Nada" for all cases, including Tuhin.

(4) Plaintiffs' Motion To Compel (letter dated 8/8/14, Docket Entry 68 in 13-2337) is granted to the extent indicated on the record of today's proceeding and summarized as follows: The identification and disclosure of documents showing certain policies and procedures is limited to those policies and procedures that apply to the loans that are the subject of this litigation. The complaints of other consumers going back to 2010 and any audio recordings of communications about the loans at issue in these cases will be produced to the extent that they exist. Communications are narrowed to written communications only. Santander may draft a confidentiality order regarding this discovery. Until terms are agreed upon, everything produced is attorney's eyes only. Santander and M&T Bank Corp will produce this discovery by 9/30/14.

(5) Counsel for NY Motor and M&T Bank Corp will meet and confer with respect to NY Motor's responses to discovery demands on 9/3/14. By 9/8/14, NY Motor will produce its file with respect to the Gabrys transaction or acknowledge that it cannot be located despite a diligent search.

(6) Plaintiff Tuhin will promptly produce all medical records that are related to damages sought as discussed in further detail on the record.

(7) Depositions are scheduled as follows: 9/9/14 and 9/10/14 for Frieire and Osorio; 9/22/14 for Alkhatib; 9/23/14 for Gabrys; 10/21/14 for Dong; 10/27/14 for Tuhin; 10/28/14 for Chowdhury; 11/3/14 and 11/4/14 for Eltouby and the New York Motor/Planet bookkeeper; 11/12/14 (tentative) for M&T Bank fact witnesses; 11/18/14 and 11/19/14 for Planet and NY Motor employee witnesses. Parties will be deposed at the offices of their counsel.

THE COURT WILL HOLD A STATUS CONFERENCE AND ORAL ARGUMENT ON THE ANTICIPATED MOTIONS TO AMEND AND DISMISS AT 3:00 P.M. ON NOVEMBER 25, 2014.

**(FTR 2:17-3:55)**